

REMARKS

Claim 1 is clarified by removing the arguably product-by-process language and thereby defines over the applied art. Claims 32-42, all of which are subject to restriction, are cancelled without prejudice. Claims 1-12, 22-24, 26, and 28-31 remain, with no claim previously allowed.

An Abstract on a separate sheet is enclosed in response to the requirement for the same.

The Title is amended to correspond with the subject matter elected for examination purposes.

Claims 6 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for including “card”. The Applicant respectfully traverses this rejection. The term “card” in the claims finds antecedent basis in the specification at page 2, lines 17 and 18. The term thus is intended to identify a material that falls between paper and cardboard, e.g., the type of material used for greeting cards. This definition of “card” is supported by the dictionary definition shown in the attached excerpt printed from *Dictionary.com*, where the primary definition of the term is “a flat, usually rectangular piece of stiff paper, cardboard, or plastic...”. Accordingly, the Applicant submits that the term used in the claims is definite within the requirement of 35 U.S.C. 112, second paragraph.

Turning to prior-art rejections, Claim 1 and at least some others of the claims stand rejected as variously anticipated by *Fetherston* (U.S. – 3,995,984) or *Auken* (US. – 4,065,150) or *Roberts* (U.S. – 3,940,528), or *Altshuler* (U.S. – 6,132,844). In each of those

rejections, the Examiner asserts that “respective faces of a planar layer integrated therewith during injection molding of the tile” is a product-by-process limitation given little or no patentable weight in an article claim.

These rejections are respectfully traversed, as possibly applied to amended Claim 1 and the dependent claims.

Claim 1 now defines a laminar mat having, on respective faces of a rigid planar tile, a planar layer non-adhesively bonded therewith. The planar layers each are of similar material. This wording of amended Claim 1 avoids the “integrated therewith during moulding of the tile” language that the Examiner deemed product-by-process and thus accorded no patentable weight.

More significantly, the requirement that the planar layers are non-adhesively bonded to the respective faces of the tile defines a novel mat that is not anticipated by the aforementioned art. Those references all require various adhesives to secure together the respective layers disclosed. For example, *Fetherston* requires a resin agent to bond together the composite ski including the honeycomb core. Please see column 5, lines 31 and 59-60; and column 5, lines 2-3, 32-33, and 46-48. *Auken* discloses layers of foam resin (column 2, lines 51-54) between various fiber reinforcing layers. See also column 4, lines 55-58 of that reference. *Roberts* includes an extensive discussion (column 18, line 28 through column 19, line 19) of adhesives as an intermediate layer between the facing and the backing components. See also column 2, lines 23-24 of that reference. *Altshuler* incorporates an

adhesive as an essential element of his product; please see column 1, lines 52-62 and column 3, lines 5-8, for example.

Contrary to the teachings of those references, the present laminar mat comprises the defined layers non-adhesively bonded as recited in Claim 1. The need for adhesive thus is eliminated, as pointed out in the two lines at the top of page 5 in the specification. Eliminating the adhesive reduces the possibility of the planar layers peeling from the tile as a result of deterioration of adhesive over time. Furthermore, the production problems associated with applying adhesive to either the tile or planar layers are removed, as are the problems in maintaining adhesive integrity, for example, during storage and handling. Inasmuch as the applied art fails to disclose a product meeting the limitations of amended Claim 1, that claim and the various dependent claims are not anticipated by those references.

Claims 10-12 are rejected as unpatentable over *Altshuler*. The Applicant respectfully traverses this rejection for the reasons set forth above. *Altshuler* emphasizes that an adhesive is a required ingredient of his floor tile. Nothing in that reference would lead one of ordinary skill to eliminate that required element or to produce a laminar mat as defined in amended Claim 1. Accordingly, Claims 10-12 define patentable structure over *Altshuler*.

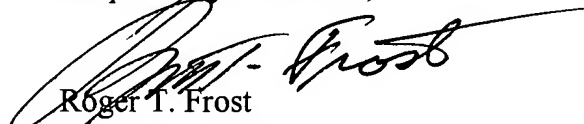
Claim 23 is rejected as unpatentable over *Altshuler* in view of *West* (U.S. – 4,376,812). The Applicant respectfully traverses this rejection for the reasons discussed in the immediately-proceeding paragraph. Namely, nothing in that reference would teach one of ordinary skill to make a laminar mat as in those claims, which depend from Claim 1, but

omitting an adhesive and alternatively providing non-adhesive bonding of the planar layers with the rigid planar tile. Accordingly, Claim 23 is patentable over the applied art.

Claims 28-30 stand rejected as unpatentable over *Altshuler* in view of *Cordian* (U.S. – 5,834,104). Claim 31 is rejected as unpatentable over those references further in view of *Kubota* (U.S. - 4,500,373). The Applicant respectfully traverses these rejections for the reasons discussed above. Because *Altshuler* requires an adhesive, doing away with that element and substituting non-adhesively-bonded layers as recited in the claims would have been contrary to the teaching of *Altshuler* and, therefore, would not have been obvious to one of ordinary skill.

The foregoing is submitted as a complete response to the Office Action identified above. The Applicant respectfully submits that all remaining claims are in condition for allowance and solicits a notice to that effect.

Respectfully submitted,



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card

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card¹ **Pronunciation Key** (kărd)
n.

1. A flat, usually rectangular piece of stiff paper, cardboard, or plastic, especially:
 - a. One of a set or pack bearing significant numbers, symbols, or figures, used in games and in divination.
 - b. A greeting card.
 - c. A post card.
 - d. One bearing a person's name and other information, used for purposes of identification or classification.
 - e. One bearing the image and often the statistics of a sports figure.
 - f. A business card.
 - g. A credit card.
 - h. A magnetic card.
 - i. One used for recording information in a file: *an index card; a recipe card*.